



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 17, 1998

Ms. Ann Diamond
Chief of Civil Litigation
Assistant District Attorney
Tarrant County Justice Center
401 W. Belknap Street
Fort Worth, Texas 76196-0201

OR98-0740

Dear Ms. Diamond:

You ask this office to partially reconsider our ruling in Open Records Letter No. 98-0235 (1998). Your request for reconsideration was assigned ID# 114265.

Tarrant County (the "county") received nine written requests for information concerning the crash of a sheriff's department helicopter. The county received another request after this office issued Open Records Letter No. 98-0235 (1998). In that decision, this office concluded in part, based on information in the record, that the county could not withhold some of the requested information under section 552.108 of the Government Code because the county had failed to timely request a ruling from this office. In your request for reconsideration, you explain that October 13, 1997 was a legal holiday in Tarrant County. You did not explain that fact to this office in your original request for a ruling. You further contend that, not counting October 13, the county's request for a ruling was timely because it was submitted within ten business days of receipt of the first request for the information. *See Gov't Code §552.301.*

The first request for information was submitted to the county on October 10, 1997. Your request for a decision from this office is dated October 27, 1997. Taking into consideration the additional information you have provided regarding the fact that October 13, 1997 was a holiday in Tarrant County, we agree with your assertions that the county timely submitted the first request for a ruling to this office. We will, therefore, address the applicability of section 552.108 to the requested information.

Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection,

investigation, or prosecution of crime.” You state that the sheriff’s department is conducting an ongoing investigation and that “there is no definitive determination of the cause - either civil or criminal - of the crash at this time.” Based upon your representation that the sheriff’s department is conducting an ongoing investigation and has not ruled out the possibility of criminal conduct, we agree that this information may be withheld under section 552.108(a)(1).¹ Open Records Letter No. 98-0235 (1998) is overruled only to the extent it conflicts with this ruling.

If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: ID# 114265

Enclosures: Submitted documents

cc: Mr. Scott Gordon
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¹Because we conclude that section 552.108 applies to this request, we do not address your remaining arguments for withholding the information.

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